

YOLANDA IRVING, et al.,

Plaintiffs,

v.

THE CITY OF RALEIGH, et al.,

Defendants.

Defendants City of Raleigh, Chief of Police Estella Patterson in her official capacity, and City Manager Marchell Adams-David in her official capacity (collectively “City Defendants”), pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, respectfully move the Court to dismiss Emancipate NC, Inc. (“Emancipate”) as a Plaintiff in this action, on the grounds that Emancipate lacks standing to bring the claims asserted in the Amended Complaint. In support of this motion, the City Defendants show the following:

1. The factual allegations establish that Emancipate, as an organization, has not suffered an injury in fact that is fairly traceable to Defendants' alleged misconduct or that is likely redressable by a favorable decision.

2. Rather, the factual allegations show that Emancipate elected to engage in a variety of activities to pursue its broad mission to end mass incarceration and racism in the legal system independent of circumstances at issue in this case.

3. Emancipate’s interest in this litigation is no more than an attempt to vindicate its preferences through the judicial system, which falls short of the injury in fact required to confer standing under Article III.

4. In support of this Motion, the City Defendants rely on the pleadings filed to date and their Memorandum of Law filed with this Motion.

WHEREFORE, the City Defendants respectfully request that the Court dismiss Emancipate as a Plaintiff and grant any other further relief it deems proper and just.

Respectfully submitted,

This the 28th day of June, 2022.

CITY OF RALEIGH
Robin L. Tatum, City Attorney

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